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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,070	11/21/2001	Gert Rusch	7781.0040-00	9748
7590 12/01/2004			EXAMINER	
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, DC 20005-3315			LE, UYEN T	
			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/989,070	Applicant(s) RUSCH ET AL.	
	Examiner Uyen T. Le	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,12-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-7,9,12-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 22 June 2004 has been entered.

2. Due to newly found prior art, the allowability subject matter of claims 1-7 and 12 is withdrawn.

Specification

3. The disclosure is objected to because of the following informalities: the specification at pages 5, 6 refer to claims 14, 15, 16. Note that claim 15 has been canceled. Since claims might be renumbered when allowed, applicant is requested to amend the specification by removing all references to claims by their numbering.

Appropriate correction is required.

Claim Objections

4. Claims 1-7 are objected to because of the following informalities: at claim 1, line 1, --A—has to be inserted before “computer system”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5, 12-14, 16-18, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bordaz et al (US 6,272,612).

Regarding claim 1, Bordaz discloses a computer system including all the claimed subject matter (see the abstract, Figures 7-10, column 3, line 50- column 5, line 61). Note the disjunctive memory portions of Figure 7. The claimed “the database system stores...first and second application systems respectively” is met when Bordaz shows that memory allocation is carried out as a function of the profile specific to each application (see column 3, line 55-62). The claimed “the first application...through the corresponding profiles” are met by the fact that memory access is a function of parameters specific to each application (see column 3, line 63- column 4, line 3).

Regarding claim 5, Bordaz discloses that the database system uses shared memory processors (see column 4, lines 4-22).

Claims 12, 16 essentially correspond to a method and computer program product for the system of claim 1, thus are rejected for the same reasons stated in claim 1 above.

Claim 14 is a broader version of claims 12 since the claim does not actually require accessing the memory portions through the corresponding profiles.

Furthermore, the claimed "providing business application services" by first and second application systems broadly interpreted merely reads on the fact that any application system provide services to users.

Claim 17 corresponds to broader version of claim 16, thus is rejected for the same reasons stated in claim 16 above.

Claim 18 essentially repeats the limitations of claim 16 with different wording, thus is rejected for the same reasons stated in claim 16 above.

Regarding claims 13, 20, Bordaz discloses access including reading (see column 5, lines 20-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2, 4, 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bordaz et al (US 6,272,612).

Regarding claims 2, 9, 19, although Bordaz does not specifically show that the memory portions store tables of the database system, official notice is taken that it is notoriously well known in the art for memory to store tables of the database system for easy retrieval. Therefore, it would have been obvious to one of ordinary skill in the art to include storing tables in memory portions in order to facilitate querying using a standard query language.

Regarding claim 4, although Bordaz does not specifically show that the database system is a relational database system, official notice is taken that it is notoriously well known in the art to store data in a relational database system for easy retrieval. Therefore, it would have been obvious to one of ordinary skill in the art to include a relational database system while implementing the system of Bordaz in order to facilitate querying using a standard query language.

8. Claims 3, 6, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bordaz et al (US 6,272,612), in view of Fuji et al (US 5,898,883).

Regarding claim 3, although Bordaz does not explicitly show that the database system is a parallel server system, it is well known in the art as shown by Fuji to use a

parallel server system of database in order to share memory (see Figure 9, column 10, lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed feature while implementing the system of Bordaz in order to share memory as taught by Fuji.

Regarding claims 6, 7, although Bordaz does not explicitly show that the database system uses an operating system that creates multiple logical groups of processors, each assigned to one application system, Fuji shows that it is well known in the art to use multiple logical groups of processors in order to share memory (see column 10, lines 36-67). Therefore, it would have been obvious to one of ordinary skill in the art to include creating multiple logical groups of processors and assigning each group to one application system while implementing the system of Bordaz in order to allow different applications to share memory.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Torres et al (US 5,897,635) teach single access to common user/application information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

27 November 2004



UYEN LE
PRIMARY EXAMINER